

ORDINANCE NO. 2016-35

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING THE CITY OF FLAGSTAFF TO ACCEPT THE DEED OF CERTAIN REAL PROPERTY LOCATED AT 2555 S. BEULAH BOULEVARD, FLAGSTAFF, ARIZONA TO EXPAND CURRENT CITY RIGHT-OF-WAY AND ALLOW FOR CONSTRUCTION OF A PUBLIC SIDEWALK ALONG BEULAH BOULEVARD; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Capstone Collegiate Communities, LLC ("Capstone") is the owner of certain real property located at 555 W. Forest Meadows Street in the City of Flagstaff, Arizona, which Capstone is developing as a mixed-use student housing apartment project (the "Project"); and

WHEREAS, Capstone obtained a conditional use permit for rooming and boarding in conjunction with a mixed-use project that requires Capstone to complete public sidewalk improvements along the west side of a segment of Beulah Boulevard between McConnell Drive and NAIPTA Bus Stop #8 (the "Beulah Sidewalk Improvements"); and

WHEREAS, the Beulah Sidewalk Improvements were also a condition of approval of the Traffic Impact Analysis that was completed for the Project; and

WHEREAS, Capstone is in the process of purchasing the property needed to construct the Beulah Sidewalk Improvements from Woodlands Village Shopping Center, LLC ("Seller") and desires that Seller convey the subject property, which is more particularly described and depicted in Exhibit A, directly to the City of Flagstaff; and

WHEREAS, pursuant to Article VII, Section 5 of the Flagstaff City Charter, the City shall acquire real property by ordinance.

ENACTMENTS:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That the acceptance of the real property as more particularly described and depicted in Exhibit A, attached to this ordinance, is hereby authorized and ratified.

SECTION 2: That the City Manager, the City Attorney, the City Clerk, the Finance Director, the Real Estate Manager, or their delegees or agents, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this ordinance.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary, related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 5. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 20th day of September, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY